



U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/889251	NAVIAUX	R :CSD1140-1

INTERNATIONAL APPLICATION NO.

PCT/US00/04663

LISA A HAILE
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I.A. FILING DATE	PRIORITY DATE
23 FEB 00	23 FEB 99

DATE MAILED: 04 SEP 2001

NOTIFICATION OF A DEFECTIVE OATH OR DECLARATION

This application fails to contain an oath or declaration acceptable under 35 U.S.C. 371(c)(4) for entry into the national stage in the United States of America. The period within which to correct the deficiency noted below and avoid abandonment is set in the accompanying Notification.

A new oath or declaration, properly identifying this application (preferably by the international application number and international filing date) is required. The oath or declaration does not comply with 37 CFR 1.497(a),(b) and (f) in that it:

- 1. is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- 2. does not identify the application to which it is directed.
- 3. does not identify the inventor(s).
- 4. does not identify the citizenship of each inventor.
- 5. does not state that the person making the oath or declaration believes the named inventor or inventors to be the original and first inventor or inventors of the subject matter which is claimed and for which a patent is sought.

FAILURE TO SUBMIT AN OATH OR DECLARATION IN COMPLIANCE WITH 37 CFR 1.497(a) AND (b), AND 1.497(d) WHERE APPROPRIATE, WITHIN THE TIME PERIOD SET WILL RESULT IN FAILURE TO ENTER THE NATIONAL STAGE AND THE ABANDONMENT OF THE APPLICATION.

Additionally, the oath or declaration does not comply with 37 CFR 1.63 in that it:

- 1. does not identify the mailing address of each inventor. If the residence is different from the mailing address, then the city and state or city and foreign country of residence of each inventor must also be given.
- 2. does not state that the person making the oath or declaration:
 - a. has reviewed and understands the contents of the application, including the claims, as amended by any amendment specifically referred to in the oath or declaration.
 - b. acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.
- 3. does not identify the foreign application for patent or inventor's certificate for which a claim for priority is made pursuant to 37 CFR 1.55, and any foreign application having a filing date before that of the application on which priority is claimed, by specifying the application serial number, country, day, month, and year of its filing.

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT
United States Patent and Trademark Office
Washington, D.C. 20231
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U.S. APPLICATION NO. 09/889251
FIRST NAMED APPLICANT NAVIAUX
CLASSIFICATION R
PRIORITY DOCKET NO. JCS D1140-1
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SUITE 1600
SAN DIEGO, CA 92121

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NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

- 1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as:
- [] a Designated Office (37 CFR 1.494)
- [x] an Elected Office (37 CFR 1.495):
 - [x] U.S. Basic National Fee.
 - [x] Copy of the international application.
 - [x] Oath or Declaration of inventors(s).
 - [] Copy of Article 19 amendments.
 - [] Priority Document.
 - [x] The International Preliminary Examination Report in English and its Annexes, if any.
 - [] Translation of Annexes to the International Preliminary Examination Report into English.
 - [x] Indication of Small Entity Status.
 - [] Translation of the international application into English.
 - [] Translation of Article 19 amendments into English.
 - [] Other:

2. [x] Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below.
- [] U.S. Basic National Fee.
- [] Copy of the international application.

3. The following items MUST be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:
- [] a. Translation of the application into English.
- [] b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date.
- [] c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b).
- [x] d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date.

4. Additional claim fees of \$ 153 as a [] large entity [x] small entity, including any required multiple dependent claim fee, are required.

5. [] Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

- 6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled.
7. [] The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

- Enclosed: [x] PCT/DO/EO/917
[x] PTO-875
[] Notice of Defective Translation
[] PCT/DO/EO/920

John Anderson

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